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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,576	03/01/2002	Richard P. Mangold	884.622US1	3907

7590   09/06/2007

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EXAMINER
DADA, BEEMNET W

ART UNIT	PAPER NUMBER
2135	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/087,576	MANGOLD ET AL.
	Examiner	Art Unit	.
	Beemnet W. Dada	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 August 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has

been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37

CFR 1.114. Applicant's submission filed on August 02, 2007 has been entered. Claims 1, 5 and

11 have been amended. Claims 1-25 are pending.

Response to Arguments

2.   Applicant's arguments filed 08/02/07 have been considered but are moot in view of the

new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. ·   Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Blatter et al US

5,878,135 (hereinafter Blatter).

5.   As per claim 8, Blatter teaches a system, comprising:

        an authoring device to use key information to encrypt a portion of a data stream [column

8, line 67-column 9, line 10]; and

a consumption device in communication with the authoring device, the consumption

device to use the key information to decrypt the portion of the data stream and to replace the

key information with compliant data [column 10, lines 1-7, 19-47 and column 13, lines 29-50].

6.　　As per claim 9 and 10, Blatter further teaches the method further comprising a decoding

device in communication with the consumption device to decode the portion of the data stream

and wherein the consumption device is configured to retrieve the key information from the

portion of the data stream [column 13, lines 25-57].

7　　Claims 20, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray

et al. US 5,706,348 (hereinafter Gray).

8.　　As per claims 20, 24 and 25, Gray teaches a method comprising:

transmitting a data structure to a consumption device [abstract and figure 6], the data

structure including,

a header [column 5, lines 41-44 and figure 6, unit 82], .

key information separate from and associated with the header for use in decryption

[column 5, lines 45-49, lines 65-column 6, line 7 and figure 6, units 86 & 88], and

a payload associated with the header, the payload capable of being encrypted using the

key information [column 5, lines 42-64 and figure 6, unit 84].

Claim Rejections - 35 USC § 103

9.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 1-7 and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter et al US 5,878,135 (hereinafter Blatter) in view of Gray et al. US 5,706,348 (hereinafter Gray).

11.   As per claim 1, Blatter teaches a method, comprising:

parsing a data stream to find a predefined synchronization point within the data stream (i.e., parsing packet data to find a **header**) [column 10, lines 17-30 and column 5, lines 47-50]; and

placing non-compliant data within the synchronization point in the data stream (i.e., inserting encryption codes near the header in the data stream) [column 5, lines 47-50 and column 10, lines 17-30]; wherein the data stream is decodable by a compliant decoder, after the non-compliant data is replaced with compliant data (i.e., after the encryption codes have been substituted with MPEG compatible data) [column 10, lines 1-7, 19-47]. Blatter is silent on placing non-compliant data separate from the synchronization point in the data stream. However, in the same field of endeavor, Gray teaches placing non-compliant data (i.e., key information/key) separate from the synchronization point (i.e., header) in a data stream [figure 6, units 82, 86 & 88, column 5, lines 41-49]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Gray within the system of Blatter to achieve the predictable result of separating a header from key-information / non-compliant data.

12.   As per claim 5, Blatter teaches a method, comprising:

receiving a portion of a data stream and parsing the portion of the data stream to find a

synchronization point within the data stream (i.e., parsing received data stream packet data to

find a **header**) [column 10, lines 17-30 and column 5, lines 47-50];

retrieving non-compliant data within the synchronization point (i.e., retrieving encryption

codes near the header) [column 10, lines 19-47]; and

replacing non-complaint data in the data stream (i.e., substituting encryption codes with

MPEG compatible data) [column 10, lines 1-7, 19-47].

decrypting the portion of the data stream [column 13, lines 29-50]. Blatter is silent on

placing non-compliant data separate from the synchronization point in the data stream.

However, in the same field of endeavor, Gray teaches placing non-compliant data (i.e., key

information/key) separate from the synchronization point (i.e., header) in a data stream [figure 6,

units 82, 86 & 88, column 5, lines 41-49]. It would have been obvious to one having ordinary

skill in the art at the time of applicant's invention to employ the teachings of Gray within the

system of Blatter to achieve the predictable result of separating a header from key-information /

non-compliant data.

13.   As per claim 11, Blatter teaches a system, comprising:

an authoring device to create a data stream [column 2, lines 49-53];

an encryption tool to embed key information near each synchronization point in the data

stream and to encrypt a portion of the data stream associated with each synchronization point

[column 5, lines 47-50 and column 10, lines 17-30]; and

a consumption device to retrieve key information within each synchronization point in the

data stream and to replace the key information with compliant data and to use the key

information to decrypt the data stream [column 10, lines 1-7, 19-47 and column 13, lines 29-

50]. Blatter is silent on placing non-compliant data separate from the synchronization point in the data stream. However, in the same field of endeavor, Gray teaches placing non-compliant data (i.e., key information/key) separate from the synchronization point (i.e., header) in a data stream [figure 6, units 82, 86 & 88, column 5, lines 41-49]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Gray within the system of Blatter to achieve the predictable result of separating a header from key-information / non-compliant data.

14.   As per claim 14, Blatter teaches a machine-accessible medium having associated content capable of directing the machine to perform a method, the method comprising:

parsing a first data stream to find a packetized elementary stream (PES) header, the PES header associated with at least some payload data (i.e., parsing received data stream packet data to find a **header**) [column 10, lines 17-30 and column 5, lines 47-50];

copying the first data stream to a second data stream [column 12, line 60-column 13, line 21]; and

selectively inserting compliant data into the second data stream within the PES header, to hold key information associated with the PES header [column 10, lines 1-7, 19-47]. Blatter is silent on selectively inserting compliant data into the second data stream after the PES header.. However, in the same field of endeavor, Gray teaches selectively inserting compliant data into the second data stream after the PES header [figure 6, units 82, 86, 88 & 90, column 5, lines 41-49]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Gray within the system of Blatter to achieve the predictable result of separating a header from key-information / compliant data.

15.   As per claims 2-4, 6 and 7, Blatter further teaches the method further comprising

encrypting/decrypting a portion of the data stream and transmitting the portion of the data

stream and wherein the non-compliant data is key information that is used in encrypting and

decrypting [column 8, line 67-column 9, line 10].

16.   As per claim 12 and 13, Blatter further teaches the method further comprising a

decoding device in communication with the consumption device to decode the portion of the

data stream and wherein the consumption device is configured to retrieve the key information

from the portion of the data stream [column 13, lines 25-57].

17.   As per claims 15-19, Blatter further teaches the medium wherein the method further

comprising parsing a data stream to find a predefined synchronization point within the data

stream (i.e., parsing packet data to find a **header**) [column 10, lines 17-30 and column 5, lines

47-50]; and placing key information near the synchronization point in the data stream (i.e.,

inserting encryption codes near the header in the data stream) [column 5, lines 47-50 and

column 10, lines 17-30]; wherein the data stream is decodable by a compliant decoder, after

the key information is replaced with compliant data (i.e., after the encryption codes have been

substituted with MPEG compatible data) [column 10, lines 1-7, 19-47].

18.   Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray et

al. US 5,706,348 (hereinafter Gray) in view of Blatter et al US 5,878,135 (hereinafter Blatter).

19.   As per claims 21-23, Gray teaches the method as indicated above. Gray is silent on the

system, wherein compliant data replaces key information associated with the header before

decryption. However, within the same field of endeavor, Blatter teaches replacing non-complaint data in the data stream (i.e., substituting encryption codes with MPEG compatible data) [column 10, lines 1-7, 19-47] and decrypting the portion of the data stream [column 13, lines 29-50]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Blatter within the system of Gray in order to provide efficient processing of data.
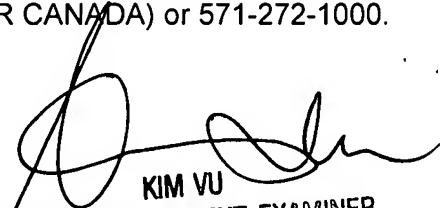
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet W Dada

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